



***AZ POST***  
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The Arizona Peace Officer Standards and Training Board (AZ POST) is mandated by the legislature to establish and enforce the physical, mental, and moral fitness standards for all peace officers in the state. The Board meets the charge to protect the public by overseeing the integrity of Arizona's law enforcement officers by reviewing cases and taking action against the certification of individuals who violate the AZ POST Rules. The following is a summary of some of the actions taken by the Arizona Peace Officer Standards and Training Board at its **October, November and December 2008**, public meetings. These actions are not precedent setting, in the sense that similar cases will end with the same result, because each case is considered on its individual facts and circumstances. Having said that, this Board publishes this bulletin to provide insight into the Board's position on various types of officer misconduct. As always, the Compliance Specialist for your agency is available to discuss any matter and to assist you with any questions you might have.

**October, November and December 2008**

**CASE NO. 1**

**PRESCRIPTION FRAUD**

Deputy A was enrolled in a pain clinic's program in which he signed an agreement that the doctor could fully cooperate with law enforcement if any misuse, sale or diversion of his pain medicine occurred. After a drug screen ordered by the doctor showed no narcotic in his system, the doctor informed his agency. Deputy A had been prescribed an average daily dose of 12 narcotic pain tablets per day over a seven month period, but he was apparently not taking them. Information obtained by POST suggests he may have been diverting them to his wife's use. The Board revoked his peace officer certification for obtaining prescriptions for dangerous drugs and narcotics by misrepresentation or deceit.

**CASE NO. 2**

**TRESPASSING**

Recruit B was celebrating his birthday at a nightclub and caused a ruckus. Club security asked him and his buddy to leave. He refused. Deputies arrived and instructed them to leave the premises and not to return, or they would be arrested for trespassing. They indicated they understood. Despite the warning, they returned and became belligerent. Recruit B was arrested and booked into jail. He later pled guilty to criminal trespass and was released from his job for failure to make probation. He did not graduate from the academy. The Board ordered that he is not eligible to apply for certification for another year and may apply then only if he has successfully completed an alcohol awareness program similar to those imposed by city courts in alcohol related offenses.

**CASE NO. 3**

**ON-DUTY DUI**

Sergeant C spent a substantial portion of his shift in bars drinking alcohol. He was driving an agency vehicle and was arrested after the local police responded to a call of a reckless driver. His blood alcohol level was close to .20 percent and he pled guilty to DUI. The Board revoked his peace officer certification for malfeasance in office and conduct that tends to disrupt, diminish or otherwise jeopardize public trust in the law enforcement profession.

**CASE NO. 4****THEFT/FALSIFIED TIME SHEETS**

Officer D purposely reported 54 hours of work time that he did not work over a three week period. He was paid over \$1,300 that he did not earn. He falsified his time sheets because he did not have any sick or vacation time to cover the time he missed from work and he needed the money. He pled guilty to theft. The Board revoked his peace officer certification for committing an offense involving dishonesty and malfeasance in office.

**CASE NO. 5****THEFT**

Officer E failed to impound various items of found and confiscated property, including two cell phones and two sets of brass knuckles. He took them home and kept them. He then sold one of the phones on e-Bay for \$50.00. The Board revoked his peace officer certification for committing an offense involving dishonesty (theft) and malfeasance in office.

**CASE NO. 6****FALSE INFO ON APPLICATION**

Recruit F wanted to be a police officer very badly but he did not want to wait until he was old enough to legally apply, so he provided a false birth date making him one year older than he truly was. He also supplied a driver's license with the fictitious date on it to verify his age. The POST Compliance Specialist noticed a discrepancy in the birth year between those documents and his community college transcript. A close inspection of the copy of his birth certificate suggested alteration. When approached by criminal investigators, Recruit F invoked his Fifth Amendment rights and eventually resigned. The Board denied him peace officer certification for falsifying his application.

**CASE NO. 7****DISHONESTY and THREATS**

Officer G lied to his supervisor when he said he had finished a traffic accident report that he had not finished. He then finished the report and backdated it to confirm his earlier statements. An audit revealed that he had neglected to complete several other reports as well. A few months later, Officer G's girlfriend made a complaint about threats she had received from Officer G by phone and text message. Among the messages were the following statements, "Bitch, I can take care of you and I won't even have to lift a finger." "You live in [locality], you might have forgot, I fucking work for the [local] Police Department, don't worry, I've got you, I'll fucking make you pay." When presented a notice of investigation regarding the threats, he resigned. The Board revoked his certification for malfeasance in office and conduct that tends to disrupt, diminish or otherwise jeopardize public trust in the profession.

**CASE NO. 8****PRE-EMPLOYMENT ASSAULT**

Applicant H slapped his wife across the face twice and pushed her once. This took place approximately 16 months before he applied for a job as a peace officer. He was arrested for assault and completed an Adult Diversion Program. The charge was dismissed. The Board considered the unique circumstances of this case and adopted a consent agreement that allows Applicant H to apply for a peace officer position again, after an additional six month delay. In doing so the Board found the following mitigating circumstances: The assault was a spontaneous reaction to unexpectedly discovering his wife in the midst of sexual infidelity, he was not a peace officer at the time, and his assault was limited to open handed slapping and a push, neither of which caused any injury or left any redness.

**CASE NO. 9****INAPPROPRIATE CONDUCT and DISHONESTY**

Officer I, off duty and in his personal vehicle, drove around bus stops looking for women to engage in consensual sex with him. One evening he offered a ride to Ms. B, picking her up at a bus stop and dropping her off several blocks away. Ms B called the police and reported being the victim of attempted sexual assault and kidnapping. That report was later conclusively proven to be false; however the police made a felony stop of Officer I in reaction to the call. Officer I first told the police that he had picked up a hitchhiker and offered her a ride. He said she propositioned him for sex in exchange for money. A second officer asked Officer I what really happened and Officer I told him that he was having marital problems and he drives around bus stops looking for partners to engage in consensual sex. He apologized for lying initially and said he did so because he was embarrassed. He said he offered Ms. B a ride, asked her about having sex with him and let her out when she said she was not a whore. The Board found mitigation in the fact that this might not have come to the Board's attention if Officer I had not resigned. The agency was preparing to give him 5 days off as discipline. It suspended his peace officer certification for 18 months for conduct that tends to jeopardize public trust in the law enforcement profession and dishonesty to the responding officer.

**CASE NO. 10****DISHONESTY**

Officer J made false entries on his daily logs to show activity that he did not perform. He also made up false activity and entered it into the agency automated record system. He did this because he was spending significant time studying for his college classes on duty and he wanted to cover up his nonfeasance. The investigation found 14 false entries on the daily log and nine fictitious patrol reports. The Board revoked his peace officer certification for committing an offense involving dishonesty and misfeasance, malfeasance and nonfeasance in office.

**CASE NO. 11****DISHONESTY**

Officer K had an affair with a married woman. Her husband made a complaint. When interviewed by internal affairs investigators, after Garrity admonitions, Officer K lied about the history of the relationship, and about emails and text messages. No sex took place on duty. The Board revoked Officer K's peace officer certification.

The Board adopted consent agreements calling for a voluntary relinquishment in the following fact situations. The scenario stated here reflects the allegations giving rise to the POST case, but the facts were not proven before the Board.

- An officer committed disorderly conduct.
- An officer assaulted his girlfriend on a public street.
- An officer consumed alcohol on duty and lied about it to internal affairs investigators.
- An officer was involved in a physical altercation with his wife.
- An officer accessed ACJIS for personal use and lied about it during an internal investigation.

The Board entered mandatory revocations for the conviction of the following felonies:

- Transportation of an Illegal Alien, a Class D federal felony.

On October 15, 2008, and November 19, 2008, the Board voted to close out the following cases without initiating a Complaint for disciplinary action. This is neither a finding that no misconduct occurred nor a comment that the Board condones the conduct. In fact, the Board's rules are very broad and all misconduct violates one or more of the disciplinary rules. The Board may choose not to initiate a Complaint in a case even though there is misconduct if, considering all the circumstances, including agency discipline, the conduct does not rise to the level requiring a formal administrative proceeding. In many of these cases, the

Board makes a statement that the conduct is an important consideration for a future hiring agency. By not taking disciplinary action, the Board leaves the matter to the discretion of an agency head who may choose to consider the officer for appointment. The Board relies on and enforces the statutory requirement of A.R.S. §41-1828.01 that agencies share information about misconduct with each other, even in cases where the Board has chosen not to take additional independent disciplinary action. Additionally, in some of these cases, further information is necessary before a charging decision can be properly made.

- An officer gave her unused prescription narcotic pills to a fellow officer.
- A deputy testified from a script that he had calibrated his radar before and after his shift, and realized later that he had forgotten to calibrate it after the shift.
- A deputy submitted a misleading memorandum to her supervisor regarding her intent to notify a supervisor that her patrol unit was stuck in the mud.
- An officer may have used more force than was necessary while taking a suspect into custody.
- A former officer did not respond to a letter requesting her cooperation with an investigation.
- A recruit violated academy rules about eating and the use of a cell phone in the classroom.
- A sergeant failed to properly secure, document and retain items of evidence. The agency at that time had no policy or procedure in place for the proper exercise of diligence with property.
- An officer was discovered asleep in her patrol vehicle by fellow officers.
- An officer was arrested for DUI in his personal vehicle.
- An officer was charged with assault and found not guilty at trial.
- A recruit signed a fellow recruit's discipline sheet indicating she had witnessed push-ups or sit-ups when she had not witnessed them.